



Reprinted
March 28, 2003

ENGROSSED SENATE BILL No. 420

DIGEST OF SB 420 (Updated March 27, 2003 10:54 AM - DI 96)

Citations Affected: IC 9-13; IC 9-18; IC 9-29; IC 12-17; IC 12-18; noncode.

Synopsis: License plates and children's trust fund. Renames the children's trust license plate as the kids first trust license plate. Renames the Indiana children's trust fund and the Indiana children's trust fund board as the Indiana kids first trust fund and the Indiana kids first trust fund board. Makes conforming changes. Specifies that the bureau of motor vehicles may not impose a pull service charge of more than fifteen dollars for a Lewis and Clark bicentennial special group recognition license plate.

Effective: January 1, 2003 (retroactive); July 1, 2003.

Merritt

(HOUSE SPONSORS — MURPHY, RESKE)

January 21, 2003, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.

February 20, 2003, reported favorably — Do Pass.

February 24, 2003, read second time, ordered engrossed.

February 25, 2003, engrossed. Read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

March 4, 2003, read first time and referred to Committee on Roads and Transportation.

March 20, 2003, reported — Do Pass.

March 27, 2003, read second time, amended, ordered engrossed.

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ES 420—LS 7711/DI 96+



Reprinted
March 28, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

ENGROSSED SENATE BILL No. 420

A BILL FOR AN ACT to amend the Indiana Code concerning
motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-13-2-94.5 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 3 JANUARY 1, 2003 (RETROACTIVE)]: **Sec. 94.5. "Low numbered**
- 4 **motor vehicle registration plate"**, for purposes of IC 9-29-3-19, has
- 5 **the meaning set forth in IC 9-29-3-19.**
- 6 SECTION 2. IC 9-13-2-144.5 IS ADDED TO THE INDIANA
- 7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 8 [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]: **Sec. 144.5.**
- 9 **"Pull service charge"**, for purposes of IC 9-29-3-19, has the
- 10 **meaning set forth in IC 9-29-3-19.**
- 11 SECTION 3. IC 9-13-2-170.5 IS ADDED TO THE INDIANA
- 12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 13 [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]: **Sec. 170.5.**
- 14 **"Special numbered motor vehicle registration plate"**, for purposes
- 15 **of IC 9-29-3-19, has the meaning set forth in IC 9-29-3-19.**
- 16 SECTION 4. IC 9-18-15-1, AS AMENDED BY P.L.222-1999,
- 17 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2003]: Sec. 1. (a) A person who is the registered owner or lessee of a:

- (1) passenger motor vehicle;
- (2) motorcycle;
- (3) recreational vehicle; or
- (4) vehicle registered as a truck with a declared gross weight of not more than:

- (A) eleven thousand (11,000) pounds;
- (B) nine thousand (9,000) pounds; or
- (C) seven thousand (7,000) pounds;

registered with the bureau or who makes an application for an original registration or renewal registration of a vehicle may apply to the bureau for a personalized license plate to be affixed to the vehicle for which registration is sought instead of the regular license plate.

(b) A person who:

- (1) is the registered owner or lessee of a vehicle described in subsection (a); and
- (2) is eligible to receive a license plate for the vehicle under:
 - (A) IC 9-18-17 (prisoner of war license plates);
 - (B) IC 9-18-18 (disabled veteran license plates);
 - (C) IC 9-18-19 (purple heart license plates);
 - (D) IC 9-18-20 (Indiana national guard license plates);
 - (E) IC 9-18-21 (Indiana guard reserve license plates);
 - (F) IC 9-18-22 (license plates for persons with disabilities);
 - (G) IC 9-18-23 (amateur radio operator license plates);
 - (H) IC 9-18-24 (civic event license plates);
 - (I) IC 9-18-25 (special group recognition license plates);
 - (J) IC 9-18-29 (environmental license plates);
 - (K) IC 9-18-30 (~~children's~~ **(kids first** trust license plates);
 - (L) IC 9-18-31 (education license plates);
 - (M) IC 9-18-32.2 (drug free Indiana trust license plates);
 - (N) IC 9-18-33 (Indiana FFA trust license plates);
 - (O) IC 9-18-34 (Indiana firefighter license plates);
 - (P) IC 9-18-35 (Indiana food bank trust license plates);
 - (Q) IC 9-18-36 (Indiana girl scouts trust license plates);
 - (R) IC 9-18-37 (Indiana boy scouts trust license plates);
 - (S) IC 9-18-38 (Indiana retired armed forces member license plates);
 - (T) IC 9-18-39 (Indiana antique car museum trust license plates);
 - (U) IC 9-18-40 (D.A.R.E. Indiana trust license plates);
 - (V) IC 9-18-41 (Indiana arts trust license plates);



(W) IC 9-18-42 (Indiana health trust license plates);
 (X) IC 9-18-43 (Indiana mental health trust license plates);
 (Y) IC 9-18-44 (Indiana Native American Trust license plates);
 (Z) IC 9-18-45.8 (Pearl Harbor survivor license plates); or
 (AA) IC 9-18-46.2 (Indiana state educational institution trust license plates);

may apply to the bureau for a personalized license plate to be affixed to the vehicle for which registration is sought instead of the regular special recognition license plate.

SECTION 5. IC 9-18-30-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. The bureau of motor vehicles shall design and issue a **children's kids first** trust license plate, **beginning January 1, 2004**. The **children's kids first** trust license plate shall be designed and issued as a special group recognition license plate under IC 9-18-25. The final design of the plate must be approved by the board (as defined in IC 12-17-16-2).

SECTION 6. IC 9-18-30-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. A **children's kids first** trust license plate designed under IC 9-18-25 must include the following:

- (1) A basic design for the plate, with consecutive numbers or letters, or both, to properly identify the vehicle.
- (2) A background design, an emblem, or colors that designate the license plate as a children's trust license plate.
- (3) Any other information the bureau considers necessary.

SECTION 7. IC 9-18-30-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. ~~After December 31, 1994,~~ A person who is eligible to register a vehicle under this title is eligible to receive a **children's kids first** trust license plate under this chapter **after December 31, 2003**, upon doing the following:

- (1) Completing an application for a **children's kids first** trust license plate.
- (2) Paying the appropriate fee under section 4 of this chapter.

SECTION 8. IC 9-18-30-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) The fee for a **children's kids first** trust license plate is as follows:

- (1) The appropriate fee under IC 9-29-5-38.
- (2) An annual fee of twenty-five dollars (\$25).
- (b) The annual fee referred to in subsection (a)(2) shall be collected by the **bureau of motor vehicles** commission.

SECTION 9. IC 9-18-30-5 IS AMENDED TO READ AS



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1 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) The annual fee
2 described in section 4(a)(2) of this chapter shall be deposited with the
3 treasurer of state in a special account.

4 (b) The auditor of state shall monthly distribute the money in the
5 special account established under subsection (a) to the Indiana
6 ~~children's kids first~~ trust fund established by IC 12-17-16-12.

7 SECTION 10. IC 9-18-30-6 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) This section
9 applies only to a license plate issued under IC 9-18-3-5(b).

10 (b) A municipal corporation (as defined in IC 36-1-2-10) that
11 registers a vehicle under this title is eligible to receive a ~~children's kids~~
12 **first** trust license plate under this chapter.

13 (c) If an officer or employee of a municipal corporation requests a
14 ~~children's kids first~~ trust license plate for a vehicle that is assigned to
15 or customarily used by the officer or employee, the officer or employee
16 is responsible for paying the annual fee for the ~~children's kids first~~
17 trust license plate under section 4(a)(2) of this chapter, the annual
18 supplemental fee under IC 9-29-5-38, and all annual registration fees
19 under IC 9-29-1-4, IC 9-29-3-17, IC 9-29-5-1, and IC 9-29-5-3.

20 (d) Notwithstanding subsection (c):

21 (1) a ~~children's kids first~~ trust license plate that is issued under
22 this section; and

23 (2) all fees and taxes that have been paid to have the plate issued;
24 are considered issued to and paid by the municipal corporation that
25 registered the vehicle for which the license plate was issued, and the
26 municipal corporation is entitled to retain possession of the license
27 plate.

28 SECTION 11. IC 9-29-3-19, AS AMENDED BY P.L.182-2002,
29 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JANUARY 1, 2003 (RETROACTIVE)]: Sec. 19. (a) **As used in this**
31 **section, "low numbered motor vehicle registration plate" means**
32 **any motor vehicle registration plate numbered from one (1) to one**
33 **hundred (100) before or after the county designation number or**
34 **letter series designation, or both.**

35 (b) **As used in this section, "pull service charge" refers to the**
36 **charge that the commission may require for a requested low**
37 **numbered motor vehicle registration plate or a special numbered**
38 **motor vehicle registration plate.**

39 (c) **As used in this section, "special numbered motor vehicle**
40 **registration plate" means any plate, other than a low numbered**
41 **motor vehicle registration plate, requested for issuance out of its**
42 **established numerical sequence.**



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(d) Subject to subsections ~~(b)~~ (e) and ~~(c)~~ (f) and with the approval of the commission, the bureau may adopt rules under IC 4-22-2 to do the following:

- (1) Increase or decrease any of the service charges listed in sections 1 through 18 of this chapter.
- (2) Impose a service charge on any other license branch service that is not listed in sections 1 through 18 of this chapter.
- (3) Increase or decrease a service charge imposed under subdivision (2).

~~(b)~~ (e) The bureau's authority to adopt rules under subsection ~~(a)~~ (d) is subject to the condition that a service charge must be uniform throughout all license branches and at all partial service locations in Indiana.

~~(c)~~ (f) The bureau may not impose a pull service charge for a requested passenger motor vehicle registration plate containing the numbers set forth in IC 9-18-2-28 for a vehicle issued a license plate under IC 9-18-17 that designates the vehicle as being owned by a former prisoner of war or by the surviving spouse of a former prisoner of war.

(g) The bureau may not impose a pull service charge of more than fifteen dollars (\$15) for a requested motor vehicle registration plate issued under IC 9-18-25 for a special group recognition license plate that commemorates the bicentennial of the Lewis and Clark expedition.

SECTION 12. IC 12-17-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) The purpose of the Indiana ~~children's~~ **kids first** trust program and this chapter is to recognize that:

- (1) the children of the state are its single greatest resource;
- (2) children require the utmost protection to guard their future and the future of the state;
- (3) it is in the public interest to protect children from abuse and neglect; and
- (4) it is in the public interest to reduce infant mortality.

(b) Beginning with the state fiscal year beginning on July 1, 1995, the Indiana ~~children's~~ **kids first** trust program will provide funds for community programs that prevent child abuse and neglect.

(c) Beginning with the state fiscal year beginning July 1, 1998, the Indiana ~~children's~~ **kids first** trust program shall provide funds for community programs that reduce infant mortality from the infant mortality account established under section 13.5 of this chapter.

SECTION 13. IC 12-17-16-2 IS AMENDED TO READ AS



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FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. As used in this chapter, "board" refers to the Indiana ~~children's kids first~~ trust fund board established by section 5 of this chapter.

SECTION 14. IC 12-17-16-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. As used in this chapter, "fund" refers to the Indiana ~~children's kids first~~ trust fund established by section 12 of this chapter.

SECTION 15. IC 12-17-16-5, AS AMENDED BY P.L.190-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) The Indiana ~~children's kids first~~ trust fund board is established.

(b) The purpose of the board is to determine whether proposed projects under this chapter should be approved and to perform other duties given to the board by this chapter. The board shall approve projects and recommend to the division that the projects receive funds under sections 12 and 13.5 of this chapter.

(c) The board shall, before January 1 of each year, prepare a budget for expenditures from the fund for the following state fiscal year. The budget must contain priorities for expenditures from the fund to accomplish the projects that have been approved under this chapter. The budget shall be submitted to the division and the budget committee.

(d) The board may employ staff necessary to carry out the duties of the board.

SECTION 16. IC 12-17-16-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. The board shall adopt and make available to the public:

- (1) a strategic plan to implement the purposes of this chapter; and
- (2) a method for proposing projects and requesting funds from the Indiana ~~children's kids first~~ trust fund.

SECTION 17. IC 12-17-16-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. (a) The Indiana ~~children's kids first~~ trust fund is established to carry out the purposes of this chapter.

(b) The fund consists of the following:

- (1) Appropriations made by the general assembly.
- (2) Interest as provided in subsection (e).
- (3) Fees from ~~children's kids first~~ trust license plates issued under IC 9-18-30.
- (4) Money donated to the fund.
- (5) Money transferred to the fund from other funds.

(c) The treasurer of state shall administer the fund.



(d) The expenses of administering the fund and this chapter shall be paid from the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the fund.

(f) An appropriation made by the general assembly to the fund shall be allotted and allocated at the beginning of the fiscal period for which the appropriation was made.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund or any other fund.

(h) Subject to this chapter, there is annually appropriated to the division all money in the fund for the purposes of this chapter. However, the division may not request the allotment of money from the appropriation for a project that has not been approved and recommended by the board.

SECTION 18. IC 12-18-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. On June 30 and December 31 of each year, the treasurer of state shall transfer money from the fund as follows:

(1) Fifty-five percent (55%) of the balance on deposit in the fund or two hundred forty-five thousand dollars (\$245,000), whichever is greater, shall be deposited in the domestic violence prevention and treatment fund established by IC 12-18-4.

(2) The balance in the fund after the transfer of money under subdivision (1) shall be deposited as follows:

(A) One-third ($1/3$) shall be deposited in the Indiana ~~children's~~ **kids first** trust fund established by IC 12-17-16-12.

(B) Two-thirds ($2/3$) shall be deposited in the victim and witness assistance fund established by IC 5-2-6-14.

SECTION 19. [EFFECTIVE JULY 1, 2003] **(a) After June 30, 2003, any reference in a statute or rule referring to the Indiana children's trust fund board is considered a reference to the Indiana kids first trust fund board.**

(b) On July 1, 2003, the Indiana kids first trust fund board becomes the owner of all the personal property and assets and assumes the obligations and liabilities of the Indiana children's trust fund board, as it existed before the effective date of this act.

SECTION 20. An emergency is declared for this act.



COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill No. 420, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 420 as introduced.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 9, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 420, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

RESKE, Chair

Committee Vote: yeas 13, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 420 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-13-2-94.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]: **Sec. 94.5. "Low numbered motor vehicle registration plate", for purposes of IC 9-29-3-19, has the meaning set forth in IC 9-29-3-19.**

SECTION 2. IC 9-13-2-144.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]: **Sec. 144.5. "Pull service charge", for purposes of IC 9-29-3-19, has the meaning set forth in IC 9-29-3-19.**

SECTION 3. IC 9-13-2-170.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]: **Sec. 170.5. "Special numbered motor vehicle registration plate", for purposes of IC 9-29-3-19, has the meaning set forth in IC 9-29-3-19."**

Page 4, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 11. IC 9-29-3-19, AS AMENDED BY P.L.182-2002, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]: Sec. 19. (a) **As used in this section, "low numbered motor vehicle registration plate" means any motor vehicle registration plate numbered from one (1) to one hundred (100) before or after the county designation number or letter series designation, or both.**

(b) As used in this section, "pull service charge" refers to the charge that the commission may require for a requested low numbered motor vehicle registration plate or a special numbered motor vehicle registration plate.

(c) As used in this section, "special numbered motor vehicle registration plate" means any plate, other than a low numbered motor vehicle registration plate, requested for issuance out of its established numerical sequence.

(d) Subject to subsections ~~(b)~~ (e) and ~~(c)~~ (f) and with the approval of the commission, the bureau may adopt rules under IC 4-22-2 to do the following:

- (1) Increase or decrease any of the service charges listed in sections 1 through 18 of this chapter.**
- (2) Impose a service charge on any other license branch service**

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that is not listed in sections 1 through 18 of this chapter.

(3) Increase or decrease a service charge imposed under subdivision (2).

~~(b)~~ (e) The bureau's authority to adopt rules under subsection ~~(a)~~ (d) is subject to the condition that a service charge must be uniform throughout all license branches and at all partial service locations in Indiana.

~~(c)~~ (f) The bureau may not impose a pull service charge for a requested passenger motor vehicle registration plate containing the numbers set forth in IC 9-18-2-28 for a vehicle issued a license plate under IC 9-18-17 that designates the vehicle as being owned by a former prisoner of war or by the surviving spouse of a former prisoner of war.

(g) The bureau may not impose a pull service charge of more than fifteen dollars (\$15) for a requested motor vehicle registration plate issued under IC 9-18-25 for a special group recognition license plate that commemorates the bicentennial of the Lewis and Clark expedition."

Page 6, after line 26, begin a new paragraph and insert:

"SECTION 20. **An emergency is declared for this act.**".

Re-number all SECTIONS consecutively.

(Reference is to ESB 420 as printed March 21, 2003.)

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